

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARILYN L. HAMILTON, <i>Plaintiff,</i>	:	CIVIL ACTION
v.	:	No. 16-5602
WILLIAM R. HITE, Philadelphia City School District Superintendent et al., <i>Defendants.</i>	:	
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MARILYN HAMILTON, <i>Plaintiff,</i>	:	CIVIL ACTION
v.	:	No. 16-6579
CITY SCHOOL DISTRICT OF PHILADELPHIA et al., <i>Defendants.</i>	:	
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MARILYN L. HAMILTON, <i>Plaintiff,</i>	:	CIVIL ACTION
v.	:	No. 17-970
ADAM BUCK et al., <i>Defendants.</i>	:	

ORDER

AND NOW, this 21st day of August, 2017, upon consideration of (i) Plaintiff's Motions for Summary Judgment¹ and any responses thereto, and (ii) Defendants' Motions for Summary Judgment² and any responses thereto, it is **hereby ORDERED** as follows:

1. Plaintiff's Motions for Summary Judgment are **DENIED**.

¹ Plaintiff's Motions for Summary Judgment appear at (i) Document Numbers 29 and 55 in Civil Action No. 16-5602, (ii) Document Numbers 28 and 57 in Civil Action No. 16-6579, and (iii) Document Numbers 20 and 45 in Civil Action No. 17-970.

² Defendants' Motions for Summary Judgment appear at (i) Document Number 33 in Civil Action No. 16-5602, (ii) Document Number 32 in Civil Action No. 16-6579, and (iii) Document Number 24 in Civil Action No. 17-970.

2. Defendants' Motions for Summary Judgment are **GRANTED** such that summary judgment is entered in favor of Defendants School District of Philadelphia, Webster Elementary, Stearne Elementary, Mrs. Colston, Elizabeth Cortez, Jenna Monley, Sherry Williams, Adam Buck, Security Guard Dennise, Nancy Donlon, William Hite, Rachel Holzman, Sherri Arabia, Byron Golson, Rhonda Miller, Pauline Cooperson, Jessica Ramos, and Marcia Roye on claims brought by Plaintiff pursuant to 42 U.S.C. § 1983, the Americans with Disabilities Act, and/or the Rehabilitation Act in the above-captioned actions.
3. To the extent Ms. Hamilton seeks to assert constitutional claims on behalf of S.R. in the above-captioned actions, such claims are **DISMISSED WITHOUT PREJUDICE**.
4. To the extent Ms. Hamilton seeks to assert claims pursuant to the Individuals with Disabilities Education Act in the above-captioned actions, such claims are **DISMISSED WITHOUT PREJUDICE**.
5. Defendants' Motion to Dismiss docketed in Civil Action No. 17-970 at Docket Number 13 is **DEEMED MOOT**.
6. The Clerk of Court shall **CLOSE** Civil Action Numbers 16-6579 and 17-970 for all purposes including statistics.

IT IS FURTHER ORDERED that:

1. The U.S. Marshal shall mail a Form USM-285 to Plaintiff no later than seven (7) days from the date this Order appears on the public docket.

2. Plaintiff shall have fourteen (14) days from receipt of Form USM-285 to provide the U.S. Marshal with all of the information necessary to permit the Marshal to serve Defendant Carl W. Holmes, Jr. in Civil Action 16-5602.
3. Absent good cause shown by Plaintiff, if proof of service on Defendant Carl W. Holmes, Jr. does not appear on the docket by November 3, 2017, the Court will dismiss Defendant Holmes from Civil Action No. 16-5602 without prejudice pursuant to Federal Rule of Civil Procedure 4(m).
4. All dates contained in the Court's July 13, 2017 Scheduling Order, *see* Civil Action No. 16-5602, Doc. No. 47, are suspended until further notice by the Court.

It is so **ORDERED**.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge